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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/649,022	08/27/2003	Bradley A. Dupuie	H-195591	5137

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Robert L. Stearns
HOWARD & HOWARD ATTORNEYS, P.C.
The Pinehurst Office Center, Suite 101
39400 Woodward Avenue
Bloomfield Hills, MI 48304-5151

EXAMINER

BINDA, GREGORY JOHN

ART UNIT	PAPER NUMBER
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3679

DATE MAILED: 03/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/649,022

Applicant(s)

DUPUIE ET AL.

Examiner

Greg Binda

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) 3-7 and 11-16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,8-10,17 and 18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 20030827.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Election/Restrictions

1. Applicant's election without traverse of Species III (the centering disk shown in Fig. 16) in the election filed Mar 15, 2004 is acknowledged.

2. Claims 3-7 & 11-16 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim.

a. Claims 3-6, 14 & 16 were not identified in the election as reading on the elected species.

b. Claim 7 is withdrawn because it reads only on the unelected species shown in Fig. 12 & 14. See paragraph [0066].

c. Claims 11-13 & 15 do not read on the elected species because the centering disk 56a of the elected species lacks a plurality of tabs. Claim 11 recites such a plurality in line 17.

Priority

3. Applicant has not complied with one or more conditions for receiving the benefit of an earlier filing date under 35 U.S.C. 119(E) as follows:

An application in which the benefits of an earlier application are desired must contain a specific reference to the prior application(s) in the first sentence of the specification of in an application data sheet (37 CFR 1.78(a)(2) and (a)(5)).

Drawings

4. The drawings are objected to because the cross hatching pattern used for the plastic (see page 8, line 14 and page 13, line 29) centering disk 56, 56a, 56b, 56c is inappropriate. See MPEP 608.02 for the appropriate pattern. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 2, 8-10, 17 & 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Koyari et al, US 5,419,740.

a. Claim 1. Figs. 7-11 shows a cardan joint 40 comprising: first and second shafts 46 & 48 wherein each shaft has an end 46B & 48B; first and second universal joints 50 & 52 individually connected to the first and second shafts at the respective ends; an intermediate coupling member 42A, 44A positively connected with the first and second universal joints wherein each of the first and second universal joints and both shaft ends being positioned in the intermediate coupling member; and a centering disk 54 positioned in the intermediate coupling between the first and second universal joints and having a

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receiving portion 94 engaging both shaft ends 46A & 48A characterized by the receiving portion being moveable longitudinally in the intermediate coupling (see also col. 3, line 54 and col. 9, lines 25-27 & 53-59),

b. Claim 2. Fig. 7 shows the centering disk 54 includes a disk member (see also "circular disk" in col. 6, line 26) defining an aperture and Fig. 10 shows the receiving portion comprising a bushing 94A.

c. Claim 8. Fig. 11 shows the biasing device 124, 126 urging the receiving portion longitudinally in the intermediate coupling member.

d. Claim 9. Fig. 9 shows the biasing device is further defined as a spring washer 106 & 108.

e. Claim 10. Fig. 9 shows the centering disk 54 includes an annular notch and the spring washer 106 & 108 is positioned at least partially in the annular notch.

f. Claims 17 & 18. Fig. 9 shows a spring 95 positioned in the receiving portion 94.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. SU 1137263 shows a cardan joint. *SAE Universal Joint and Driveshaft Design Manual* defines, on page 327, the term "cardan joint". *Machinery's Handbook* discloses, on page 2239, that a cardan joint does not normally work well at angles greater than 45 degrees.

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Binda whose telephone number is (703) 305-2869. The examiner can normally be reached on M-F 9:30 am to 7:00 pm with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne H. Browne can be reached on (703) 308-1159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Greg Binda
Primary Examiner
Art Unit 3679